

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
June 9, 2011
Council Chambers
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	VACANT	
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	EDWARD OLGA	ABSENT
Town Solicitor, Edward McNally – Absent		
Town Manager, John Giles – Present		
Chief of Police, Laura Giles - Present		

Mayor Norkavage announced that she will be swearing in a new member of council.

Town Manager John Giles stated that at the time of the filing deadline on for the Special Election only one candidate had filed for the position of 3rd District Councilman, therefore Mr. Robert Kacperski will be sworn into that position.

At this time Robert Kacperski was sworn in as Councilman for the 3rd District for a term of two years.

At this time Councilman Robert Kacperski took his seat as the 3rd District Councilman for the remainder of the meeting.

PUBLIC COMMENT: None

APPROVAL OF MINUTES:

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the April 14, 2011 Council Meeting with no corrections. The motion was seconded by Councilman Jaremchuk.

VOTE: 4-0 with 2 Abstained and 1 Absent Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Abstained, 4th District – Abstained, 5th District – Yes, 6th District – Absent, Mayor – Yes

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the May 9, 2011 Special Council Meeting with no corrections. The motion was seconded by Councilman Jaremchuk.

VOTE: 5-0 with 1 Abstained and 1 Absent Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Abstained, 4th District – Yes,
5th District – Yes, 6th District – Absent, Mayor – Yes

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the May 12, 2011 Council Meeting with no corrections. The motion was seconded by Councilman Jaremchuk.

VOTE: 5-0 with 1 Abstained and 1 Absent Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Abstained, 4th District – Yes,
5th District – Yes, 6th District – Absent, Mayor – Yes

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the May 21, 2011 Council Meeting with no corrections. The motion was seconded by Mayor Norkavage.

VOTE: 5-0 with 1 Abstained and 1 Absent Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Abstained, 4th District – Yes,
5th District – Yes, 6th District – Absent, Mayor – Yes

Town Manager John Giles stated that as a point of record, the reason for Councilman Kacperski's abstention was because he was not a member of council at the time of the meeting whose minutes were up for approval.

OLD BUSINESS:

Consideration for Third and Final Reading as well as public hearing of Ordinance 533

ACTION: A motion was made by Councilman Burg to consider Ordinance 533 for Third and Final Reading. The motion was seconded by Councilman Jaremchuk.

Town Manager John Giles stated that he has spoken with New Castle County Public Safety and there are no issues with the address changes created by this Ordinance, the new addresses are not duplicated anywhere throughout New Castle County.

VOTE: 6-0 with 1 Absent Motion carried

Consideration for Third and Final Reading as well as public hearing of Ordinance 534

ACTION: A motion was made by Councilman Jaremchuk to consider Ordinance 534 for Third and Final Reading. The motion was seconded by Councilman Burg.

Councilman Jaremchuk stated that the Council has received a letter from a Jennifer Holstein indicating her opposition to this ordinance.

Town Manager John Giles stated that he believes that this ordinance would be considered spot zoning which previous councils have been against.

VOTE: 0-5 with 1 Abstained and 1 Absent Ordinance Defeated

1st District – No, 2nd District – No, 3rd District – Abstained, 4th District – No, 5th District – No, 6th District – Absent, Mayor – No

Councilman Jaremchuk stated that he voted against this Ordinance because it is spot zoning, that it does not conform with the neighborhood and that the request goes against the Town's Comprehensive Plan.

Councilman Burg stated that he agreed with Councilman Jaremchuk's reasons for Denial.

Councilman Kacperski stated that he has not had sufficient time to review the request.

Councilman McKewen stated that he agreed with Councilman Jaremchuk's reasons for Denial.

Councilwoman Personti stated that she agreed with Councilman Jaremchuk's reasons for Denial as well and wanted the public to know that should the Town violate its own Comprehensive Plan it runs the risk no longer being eligible for State Funding.

Mayor Norkavage stated that she agrees with the members of Council that this goes against the Town's best interest.

NEW BUSINESS:

Consideration of Amending Resolution 11-03.

Councilman McKewen stated that he feels that the Resolution should be revised because the no parking zone which was created ended up being larger than expected and they are now going to paint the curve of all four corners at this intersection.

ACTION: A motion was made by Councilman McKewen to amend Resolution 11-03. The motion was seconded by Councilwoman Personti.

Mayor Norkavage asked if the Public Safety Department has any concerns regarding this revision.

Chief Giles stated that she visited the intersection on three separate occasions and observed vehicles parked all the way to the edge of the curb making it difficult to turn at that intersection. The resident has cut down a bush and the curbs have been painted. This should address any concerns regarding the intersection.

VOTE: 6-0 with 1 Absent All-in-Favor Motion carried

Consideration of Resolution 11-04.

ACTION: A motion was made by Councilman Jaremchuk to approve Resolution 11-04. The motion was seconded by Councilman Burg.

Councilman Jaremchuk gave an overview of the resolution indicating that this does increase the taxes by \$56.00 per property.

VOTE: 5-0 with 1 Abstained and 1 Absent Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Abstained, 4th District – Yes, 5th District – Yes, 6th District – Absent, Mayor – Yes

Consideration for First and Second Reading of Ordinance 535

ACTION: A motion was made by Councilman Jaremchuk to consider for first and second reading, Ordinance 535. The motion was seconded by Councilman Burg.

Councilman Jaremchuk gave an overview of the Ordinance and its effects on the existing Elsmere Police Pension Plan.

VOTE: 6-0 with 1 Absent Motion carried

Councilman Jaremchuk announced that the Third and Final reading of Ordinance 535 will be at a Special Council Meeting which is scheduled for Thursday, June 16, 2011 at 6:30pm.

Consideration for First and Second Reading of Ordinance 536

ACTION: A motion was made by Councilman Burg to consider Ordinance 536 for First and Second Reading . The motion was seconded by Councilman Jaremchuk.

Councilman Jaremchuk asked for clarification that this ordinance would allow an apartment on top of or attached to the businesses located in a GI Zone.

Town Manager John Giles stated that it would be limited to the size of a one bedroom apartment at any of the complex's currently located within the Town.

VOTE: 6-0 with 1 Absent Motion carried

Consideration for First and Second Reading of Ordinance 537

ACTION: A motion was made by Councilman Burg to consider Ordinance 537 for First and Second Reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg gave an overview of the Ordinance which would include a new Definition to Chapter 225 and would allow an Automotive Recycler to be located in a GI Zone.

VOTE: 6-0 with 1 Absent Motion carried

Consideration of the FY 2011-2012 Annual Revenue, Operating and Capital Budgets.

Town Manager John Giles stated that the Council Members have been given a new budget at their seats. The new budget does include some new cuts as well as a new capital request for recycle totes for the properties within the Town which would be \$9,500.00. He stated that in making changes the employees have been able to cover the new request as well as reducing the deficit that was reported at the last Council Meeting.

Town Manager John Giles announced that the current deficit if adopted would be \$86,181.00 after the additional cuts and with the addition of the new capital request.

Councilman Jaremchuk asked Chief Laura Giles if the Council had voted to take out the entire new weapon request.

Chief Laura Giles stated that it was voted that they would remove the request for Rifles but not the entire request which reduced the request by \$7,000.00.

Councilwoman Personti stated that she has been unable to find another municipality who provides the off duty weapons as we do.

Chief Laura Giles stated that due to the trade in of the existing weapons the cost is less than \$150.00 per weapon.

Councilman Jaremchuk asked what the deficit for last fiscal year was.

Town Manager John Giles stated the deficit was \$335,000.00

Councilman Jaremchuk stated that this years' deficit is significantly smaller however the Town needs to find other ways to make up for the shortfalls and not take money out of the surplus and how the Town's main income.

ACTION: A motion was made by Councilman Jaremchuk to approve the Proposed FY 2011-2012 Budget as written while taking out of surplus \$86,181.00. The motion was seconded by Councilman Burg.

Town Manager John Giles stated that the Finance Director has informed him that the funds would need to be taken out of the Contingency Fund and not the General Fund.

Councilman Jaremchuk withdrew his motion.

At this time the Finance Director Joseph Schulcz explained why he felt that the money would need to come from the Contingency Fund and a discussion occurred regarding what the funds were used for and where a \$91,000.00 budget adjustment was.

At this time the Finance Director left to find where a \$91,000.00 budget adjustment was made.

A discussion occurred regarding what the savings that should exist at the end of the current fiscal year and the areas where we should see extra savings.

At this time the Finance Director returned to the meeting stating that the \$91,000.00 was used for the position of Chief of Police when Chief McLaren was hired.

A discussion occurred regarding the \$91,000.00 budget adjustment, regarding the possible inaccuracy of this number and whether the funds currently exist in the bank to pass the budget during the meeting.

Councilman Jaremchuk asked that the Town Manager and Chief of Police have at the June 16, 2011 Special Council Meeting a projected savings amount at June 30, 2011.

At this time there was a consensus among the Mayor and Council that the only thing stopping the approval of the budget is whether the money is available out of the general fund or the contingency fund.

At this time it was announced that Councilman Olga arrived at 7:10pm during the budget discussion.

DEPARTMENTAL REPORTS:

Code Enforcement

Mayor Norkavage stated that she was very happy to see what type of information was included in the report.

Councilman Burg stated that he would like to see the “Instant Ticket” addressed. He believes that if we call it an “Instant Ticket” that it should actually be instant.

A discussion occurred regarding the purpose of the “Instant Ticket” and what a possible new ordinance would read and what problems it would address.

Councilwoman Personti suggested that the residents would receive a warning and for each subsequent violation of the same offense would be issued an “Instant Fine” and not 72 hour warning.

Finance

Public Safety

Chief Laura Giles stated that the undercover vehicle has been in the repair shop and appears to be a lost cause. First State Towing has offered to purchase and scrap the vehicle for \$2,000.00.

ACTION: A motion was made by Councilman Jaremchuk to allow the disposal of a Dodge Pickup by the Elsmere Police Department. The motion was seconded by Councilman Burg.

VOTE: 7-0 Motion carried

Chief Laura Giles stated that the department has received \$500.00 from the Department of Highway Safety for DUI and Cell Phone Patrols conducted during June.

Public Works

Town Manager John Giles stated that they will be promoting an employee to a Crew Chief as of July 1, and hopefully that will help out in the Department.

Assistant Town Manager Tina Law gave an overview of the New Castle County Summer Youth Program.

Town Managers Report

Town Manager John Giles announced that he has submitted a Grant to the State of Delaware for the mandated Recycling Program. He stated that when he submitted the grant he used numbers submitted from a company called Cascade who produces the Recycle Totes, the grant was approved for exactly the amount quoted. He announced that because of this he will be purchasing the Totes from Cascade in the amount of \$92,900.00 without a bid process. He stated that the State does not require a bid process for items purchased under a grant and that he has spoken with the Town Solicitor regarding this matter. He announced that with the approval of the Capital Budget the company will put the cans together, insert an information packet as provided by the Town, deliver the cans and submit a list of the cans with Serial Numbers and which homes they were delivered to.

Councilwoman Personti asked how the program will work regarding the Apartment Complex's.

Town Manager John Giles stated that Apartment Complex's are not included in this phase of the mandatory recycling. These will be required by January of 2013 and will have a new set of grants available since dumpsters will be required.

Town Manager John Giles stated that he has been informed by the Town Solicitor that the Town is not allowed to file liens for code citations. We can only issue liens for abatements or property taxes. He stated that he is working with the Town Solicitor to figure out what needs to be regarding this issue.

Town Manager John Giles announced that the League of Local Governments has issued its new invoices and that the cost of participation has gone up.

Councilwoman Personti stated that the Town has not participated in two years and that she feels it is an unnecessary cost and is too costly for the Town.

Town Manager John Giles stated that the Police Pension Plan will be discussed at the next meeting and that he has scheduled a meeting regarding the possible new third part of the Police Pension Plan with Town Contribution and without Town Contribution.

Town Manager John Giles reminded council that there is a Special Meeting on June 16th regarding the Police Pension Plan.

PUBLIC COMMENT:

None

ITEMS SUBMITTED BY MAYOR AND COUNCIL:

1st District – Councilman Jaremchuk stated that he and Councilwoman Personti have been attempting to set up a meeting with the Stoltz Engineer and the Town hired Engineer regarding this project and that he is still awaiting a reply for an available meeting date.

Town Manager John Giles stated that the Engineer did reply late this afternoon and suggested two dates in the morning.

Town Manager John Giles announced that the Finance Director has located the issue regarding the Budget and that the money is available out of the General Fund and that the questionable funds were approved out of a previous budget year and not the current budget year.

ACTION: A motion was made by Councilman Jaremchuk to approve the Operating, Revenue and Capital Budgets for the FY 2011-2012 while taking \$86,181.00 from the accumulated surplus to balance the budget. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 Abstained Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – Abstained, 4th District – Yes,
5th District – Yes, 6th District – Yes, Mayor – Yes

Town Manager John Giles stated that the Official Budget will state that the Police Budget will be funded from the Real Estate Transfer Taxes and the remaining amount from the General Fund as required by State Law.

ADJOURNMENT:

ACTION: A motion was made by Councilman Burg to Adjourn. The motion was seconded by Councilman Jaremchuk.

VOTE: 7-0 All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

DEBORAH A. NORKAVAGE
MAYOR

JOANN I. PERSONTI
SECRETARY